

Glossary of Terms

Acquittal: The finding of not guilty.

Appeal: The act of seeking a higher court's review of a lower court's decision.

Arraignment: A hearing before a judge during which the judge reads the charges to the defendant, informs the defendant of his constitutional rights, and affords the defendant the opportunity to enter a plea.

Arrest: The taking of a person into custody by an officer of the law.

Authorization to Represent: Agreement between defendant and attorney for legal representation in court matters.

Bail: Money a defendant puts up (usually a bond) to allow his or her release from custody and to guarantee his or her appearance at a future hearing.

Bailiff: The individual in the courtroom who helps the judge manage the evidence and maintain order in the courtroom.

Beyond a Reasonable Doubt: A standard of proof required to convict a person of a crime. The judge has a high degree of certainty about the defendant's guilt, although he need not be 100 percent convinced.

Burden of Proof: A party's duty to prove a disputed fact.

Cash Only Bail: Designation on a warrant indicating that **only cash bail** as opposed to bond will be accepted as a condition of release from custody.

Charge: The process of accusing the defendant of a crime.

Circumstantial Evidence: Facts or testimony not based on actual personal knowledge or observation, by which other non-substantiated facts can be reasonably inferred.

City Attorney: Prosecutor appearing on behalf of the City. Also legal advisor to the City on all matters.

Closing Argument: A speech to the judge by the prosecutor and then the defense to try to convince the judge how the evidence proves his or her side of the case.

Complaint: The written document charging an alleged criminal defendant.

Contempt of Court: Deliberate disobedience of a court order.

Continuance: Extension of time for appearance.

Change of Plea: Usually from not guilty to guilty or nolo contendere (no contest).

Community Service: Work performed by defendant as alternative to fines or jail time.

Credit for Time Served: Instruction from judge to allow credit for time already spent in jail toward imposed sentence.

Defendant: The person who is accused in a criminal case.

Disposition: A final settlement or determination (i.e., the court's disposition of the case).

Due Process: The notion, grounded in the Fifth and Fourteenth amendments to the U.S. Constitution, of rights in most court and administrative proceedings to defend oneself in an orderly proceeding adapted to the nature of the case, and that every person has the protection of a day in court and the benefit of general law.

DUI: Driving under the influence of alcohol and/or controlled substance.

Felony: The most serious category of criminal offenses. With penalties of imprisonment ranging from a year and a day to life, or in some states, punishable by death.

Finding: The determination of fact by a judge.

Fine: The monetary penalty assessed against a defendant.

Failure to Appear (FTA): Failure to appear at scheduled court date.

Failure to Comply (FTC): Failure to comply with court-imposed sentence.

Failure to Pay (FTP): Failure to pay fines.

Gross Misdemeanor: A crime punishable by imprisonment in a county jail for not more than one year, or by a fine of not more than \$2,000, or by both fine and imprisonment.

Hearing: A scheduled appearance before a judge for determination of facts.

Imprisonment: The placement of an individual in a jail or prison.

Irrelevant facts: Evidence that does not tend to prove or disprove any issue of fact involved in a case.

Judgment: The official decision of the court.

Leading question: A question that instructs the witness how to answer, puts words into the witness's mouth or suggests the desired answer.

Mandatory: Defendant must appear in court in person to answer to the Appearance charge(s).

Miranda Warning: After arrest and before questioning, arrested persons must be warned that:

- 1) They have the right to remain silent;
- 2) Any statement they make may be used as evidence against them;
- 3) They have a right to the presence of an attorney; and
- 4) If they cannot afford an attorney, one will be appointed for them prior to any questioning if they so desire.

Misdemeanor: A crime punishable by imprisonment in a county jail for not more than six months, or by a fine of not more than \$1,000, or by both fine and imprisonment.

Motion: A written or oral application requesting the Court to make a specified ruling or order.

Nolo Contendere: A plea of no contest.

Order: Any command or instruction issued by the judge.

Plaintiff: Person or entity making a charge.

Probable Cause: A strong belief, based on facts, that a crime has been committed, that a particular person has committed the crime and that evidence related to the crime exists.

Prosecutor: A public officer who conducts criminal proceedings on behalf of the state or city.

Rehabilitate: To permanently change behavior.

Relevant: Directly related to the issue as it tends either to prove or disprove the point.

Restitution: The sentence often used instead of a fine or imprisonment, designed to restore the victim to his or her condition before the crime.

Sentence: The time to be served in a prison or jail; also includes fine, probation, restitution and community service.

Status Check: Appearance ordered by the judge to determine if conditions of sentence are being followed.

Statutory Law: A law enacted by a legislature.

Stipulation: A written or oral agreement between attorneys or parties concerning some phase of a lawsuit.

Subpoena: An order compelling a witness to appear and give testimony before a court.

Summons: A written notice 1) requiring the named person to appear in court on a specified day; or 2) informing the named person that a lawsuit has been started against him or her and he or she must answer.

Suspended Sentence: If certain conditions are met, a jail sentence need not be served. The sentence is then suspended.

Trial: A formal hearing before a judge to determine guilt or innocence. Witnesses may be called and evidence is presented.

Time Served: A sentence imposed by a judge indicating that the time already served is sufficient to satisfy sentence.

Video Arraignments: An in-custody session where inmates are arraigned by a judge via a video link from the jail.

Warrant: Sanction or authorization, as an arrest warrant authorizes a police officer to take an individual into custody.